

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

BRIAN WATKINS,)	
)	
Plaintiff,)	
vs.)	NO. CIV-08-1134-HE
)	
S. WALDENVILLE, et al.,)	
)	
Defendants.)	

ORDER


Plaintiff Brian Watkins, a state prisoner appearing *pro se* and *in forma pauperis* instituted this action under 42 U.S.C. § 1983, alleging violations of his constitutional rights. Consistent with 28 U.S.C. § 636(b)(1)(B) and (C), the matter was referred for initial proceedings to Magistrate Judge Valerie K. Couch. She has recommended that the action be dismissed without prejudice due to the plaintiff's failure to serve the defendants with summons and the complaint within the time limits prescribed by Fed.R.Civ.P. 4(m).¹

The plaintiff failed to object to the magistrate judge's Report and Recommendation and thereby waived his right to appellate review of the issues it addressed. United States v. One Parcel of Real Property, 73 F.3d 1057, 1059-60 (10th Cir. 1996). See 28 U.S.C. § 636(b)(1)(C); LCvR72.1. Accordingly, the court adopts Magistrate Judge Couch's Report and Recommendation. This action is dismissed without prejudice.

¹The magistrate judge also noted that the plaintiff had failed to provide the court with a notice of change of address. The docket sheet reflects that the last two mailings to the plaintiff have been returned as undeliverable.

IT IS SO ORDERED.

Dated this 22nd day of April, 2009.



JOE HEATON
UNITED STATES DISTRICT JUDGE